

United States District Court  
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

PETER C. LEE,

No. C 09-06033 WHA

Plaintiff,

v.

PORT OF OAKLAND and  
CITY OF OAKLAND,

**ORDER REGARDING  
REQUEST FOR TRIAL  
CONTINUANCE**

Defendants.

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A jury trial is set to begin on March 28. The parties request a continuance of the trial and pretrial conference dates on the grounds that “[t]he case has been settled.” As to defendant Port of Oakland, the parties represent: “The settlement with defendant Port of Oakland is finalized and that defendant has been dismissed.” This statement, however, is not accurate. No dismissal has been filed, and Port of Oakland has not been terminated from the action. As to defendant City of Oakland, the parties represent: “The settlement with the defendant City of Oakland remains subject to approval by the City of Oakland City Council. The City is attempting to have this matter placed on a crowded [sic] litigation review docket on an expedited basis for a date in March.” (Dkt. No. 38).

It is the practice of the undersigned judge to continue trial dates only in the most exceptional circumstances. The parties have not demonstrated that this is such a case. Accordingly, their stipulated request cannot be granted at this time.

If all claims between plaintiff and defendant Port of Oakland truly have been resolved, then the parties should file a dismissal. If plaintiff and defendant City of Oakland truly have bound themselves to a written settlement agreement pending administrative processing, then they should provide proof of the signed agreement and a more informative explanation for the status of its pending "approval." The parties' stipulated request for a continuance of the trial and pretrial conference dates may be reconsidered after the parties attempt to make a more convincing showing that such a continuance is warranted.

**IT IS SO ORDERED.**

Dated: February 16, 2011.



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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE